

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 02-00203 SOM
)	
Plaintiff,)	CLAIM FOR EXEMPTION FORM
)	
v.)	
)	
RAY WILLIAM SMITH,)	
)	
)	
Defendant.)	
_____)	
)	
VANGUARD CAR RENTAL USA INC.,)	
)	
Garnishee.)	
_____)	

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are
checked below apply in the case:

- _____ 1. Wearing apparel and school books.--Such items of
wearing apparel and such school books as are necessary
for the debtor or for members of his family.
(26 U.S.C. § 6334(a)(1))
- _____ 2. Fuel, provisions, furniture, and personal effects.--
-So much of the fuel, provisions, furniture, and
personal effects in the debtor's household, and of the
arms for personal use, livestock, and poultry of the
debtor, as does not exceed \$6,250 in value.
(26 U.S.C. § 6334(a)(2))
- _____ 3. Books and tools of a trade, business, or
profession.--So many of the books, and tools necessary
for the trade, business, or profession of the debtor as
do not exceed in the aggregate \$3,125 in value.
(26 U.S.C. § 6334(a)(3))

4. Unemployment benefits.--Any amount payable to a debtor with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

(26 U.S.C. § 6334(a)(4))

5. Undelivered mail.--Mail, addressed to a debtor, which has not been delivered to the debtor.

(26 U.S.C. § 6334(a)(5))

6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a debtor whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.

(26 U.S.C. § 6334(a)(6))

7. Workmen's Compensation.--Any amount payable to a debtor with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or of the Commonwealth of Puerto Rico.

(26 U.S.C. § 6334(a)(7))

8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

(26 U.S.C. § 6334(a)(8))

9. Certain service-connected disability payments.--Any amount payable to a debtor as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.

(26 U.S.C. § 6334(10))

10. Assistance under Job Training Partnership Act.

Any amount payable to a debtor under the Job Training Partnership Act (29 U.S.C. § 1501 et seq.) from funds appropriated pursuant to such Act.
(26 U.S.C. § 6334(12))

11. Minimum exemptions for wages, salary and other income.

--The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subject to garnishment may not exceed (1) 25 percent of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in the claim of exemptions and request for hearing are listed at fair market value of the property designated and I declare under penalty of perjury that they are true and correct.

Signature of Defendant

Defendant's printed or typed name

Date